

## **REMARKS**

Claims 1-20 remain pending in the application. Claims 8-11 and 17-20 are allowed. Claims 1-3, 12-14 and 16 are rejected. Claims 4-7 and 15 are objected to as being dependent upon a rejected base claim. Claims 5-7 are dependent to claim 4, therefore, are objected under the same rationale.

### ***Claim Rejections – 35 U.S.C. §112***

Claims 1, 12 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection. The Examiner states that she is unable to find support for the recently amended claim feature of “wherein the security level is directly related to said software object.” See Final Office Action, p.3. Applicants respectfully direct the Examiner’s attention to page 17 of the Specification for support: “The system 200 then establishes a security level based upon a pre-determined security level for the object 350 (block 630).” Specification, p.17, ll. 6-16; Fig. 6. For at least these reasons, a security level directly related to the software object is fully supported by the Specification, and Applicants respectfully request the Examiner’s §112 rejection of claims 1, 12 and 13 be withdrawn.

### ***Claim Rejections – 35 USC §103***

Claims 1-3, 12-14 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 4,926,476 (*Covey*), in view of US Patent 5,578,090 (*Motoyama*), and further in view of US Patent No. 5,822,749 (*Agarwal*). Applicants respectfully traverses this rejection.

In view of the arguments presented above with respect to the §112 rejections, Applicants respectfully request the Examiner reconsider the arguments presented below.

For ease of illustration, claim 1 is discussed first. Claim 1, directed to a method, calls for establishing a security level for said software object, wherein the security level is directly related

to said software object. The Examiner relies heavily on *Covey* which discloses *indirect* association. See *Covey*, col. 4, ll. 25-28.

In the Final Office Action, the Examiner maintains that *Covey* teaches the feature of establishing a security level for said software object because *Covey* describes a computer system only allowing an un-trusted program access to certain levels of data. See Final Office Action, p.4. *Covey* teaches that a *hardware comparison of data storage blocks* is used to determine whether an un-trusted program may read/write to certain data. See, e.g., *Covey*, Abstract. In other words, the security level of data storage blocks, not software objects, is determined by *Covey*. *Covey* also teaches that the un-trusted program need not be examined by the computer system in order to maintain security. *Id.* As such, and contrary to the Examiner's position, *Covey* does not, and cannot, teach establishing a security level for said software object, wherein the security level is directly related to said software object, as called for in claim 1. *Motoyama* and *Agarwal* fail to remedy this deficiency. *Motoyama* is concerned with supporting various applications using two software modules and *Agarwal* teaches strategies for database accesses.

Further, claim 1, directed to a method, calls for establishing a security level for said software object, wherein the security level is directly related to said software object. To the extent it is the Examiner's position that *Covey* teaches security levels of a software object, with which Applicants respectfully disagree, Applicants assert that there is no teaching or suggestion in *Covey* of establishing a security level directly related to the software object, as called for in claim 1. In fact, *Covey* explicitly teaches that "sensitivity levels" are not directly related to the software objects ("subjects," as the term is used in *Covey*):

The proposed mechanism relies upon sensitivity labels associated with all storage blocks accessible to subject processes (programs). Sensitivity levels are only indirectly associated with subjects. *Covey*, col. 4, ll. 25-28 (*emphasis added*).

As is evident from the disclosure in *Covey*, this reference does not teach of establishing a security level directly related to the software object, as called for in claim 1. Similarly, as noted above, *Motoyama* and *Agarwal* fail to remedy this deficiency.

In the Final Office Action, the Examiner argues that *Covey* teaches “the label RAM 60 is mapping directly into the registers’ labels which may have different significance to different software processes.” See Final Office Action, p.4 (citing *Covey*, Fig.1; col. 9, ll. 29-48). The Examiner’s argument is problematic for at least several reasons. The passage cited by the Examiner deals with registers, not software objects. *Covey* teaches that classification labels are applied to registers for storing data, not to software objects as called for in claim 1. See *Covey*, Fig.1; col. 9, ll. 29-48. As such, *Covey* does not and cannot teach this claimed feature.

For at least these reasons, claim 1 and its dependent claims [2-7] are allowable. For at least similar reasons, claims 12 and 13, along with their respective dependent claims ([ ] and [14-16]), are also allowable.

Applicants respectfully assert that *Covey*, *Motoyama* and *Agarwal*, and/or their various combinations, do not teach or disclose all of the elements of claim 1-3, 12-14 and 16 of the present invention. In order to establish a *prima facie* case of obviousness, the Examiner must consider the following factors: 1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings; 2) there must be a reasonable expectation of success; and 3) the prior art reference(s) must teach or suggest all the claim limitations. MPEP § 2143 (2005) (citing *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991)). In making an obviousness rejection, it is necessary for the Examiner to identify the reason why a person of ordinary skill in the art would have combined the prior art references in the manner set forth in

the claims. *KSR Int'l Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007). Applicants respectfully submit that the Examiner has not met this burden. If fact, as illustrated below, *Covey*, *Motoyama* and *Agarwal* would not be combined in the manner set forth in the claims. Further, the Examiner has failed into identify why those skilled in the art would combine *Covey*, *Motoyama* and *Agarwal*. Further, as discussed above, even if *Covey*, *Motoyama* and *Agarwal* were combined, all elements of claims 1-3, 12-14 and 16 would not be taught or made obvious by this combination. Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established in rejecting claims 1-3, 12-14 and 16.

Those skilled in the art simply would not be motivated to combine *Covey* with *Agarwal*. The Examiner has failed to identify any particular reason to provide such a combination to make obvious any of the claims of the present invention. *Agarwal* is subject matter that relates to improving execution speed of database by optimizing use of buffer caches. In contrast, *Covey* is directed to execution of untrusted software but only discloses security levels relating to data and not to the software object. In fact, as described above, *Covey* explicitly states that software need not be examined before handing secure data. Those skilled in the art simply would not find any reason to combine these to cited prior art references to make obvious any of the claims of the present invention. The Examiner has failed to provide or identify any such reasons. The Examiner essentially provided a conclusory statement that adding the features of these references together would make for a better product; *i.e.*, the Examiner has simply stated the result of such a combination. *See Final Office Action*, p.3 (stating that the combination would “improv[e] computer security” and to “maintain proper labeling of data at multiple security levels and proper control of access....”). The Examiner has not pointed to any teachings in the cited references that would **motivate** a person of skill in the art to combine the references. In other

words, the question that must be addressed includes “*why* would a person have thought to combine the cited references based on their teachings?”, not simply “what benefits would result?”. Motivation to combine aside, as discussed above, even if *Covey* and *Agarwal* were to be combined, claim 1 as a whole would be untaught and non-obvious over the references.

Without using improper hindsight reasoning, those skilled in the art simply would not combine them in the manner claimed. Further, as described above, the combination of *Covey*, *Motoyama* and *Agarwal* still would not disclose, teach, or make obvious all of the elements of claim 1 of the present invention. Applicants have pointed to several factors why those skilled in the art simply would not combine *Covey* and *Agarwal* in the manner claimed by claim 1 of the present invention. Accordingly, claim 1 of the present invention is allowable for at least the reasons cited herein.

Claim 12 calls for an apparatus that comprises means for performing a multi-table I/O space access using at least one of a directly related security level that may be established for said software object being executed. Therefore, as described above, *Covey*, *Motoyama* and *Agarwal*, or any combination thereof, do not disclose or make obvious means for performing a multi-table (I/O) space access. Accordingly, claim 12 of the present invention is allowable.

Claim 13 calls for an (I/O) access interface that is coupled to a bus and a memory unit wherein the memory access interface is capable of providing a processor of a multi-level table I/O space access to access a portion of the memory unit based upon a directly related security level. As described above, *Covey*, *Motoyama* and *Agarwal*, or any combination thereof, do not disclose or make obvious the multi-level table I/O space access. Accordingly, all of the elements of claim 13 of the present invention are not taught, disclosed, or made obvious by *Covey*, *Motoyama* and *Agarwal*. Therefore, claim 13 of the present invention is allowable.

Accordingly, independent claims 1, 12, and 13 are allowable for at least the reasons cited above. Additionally, dependent claims 2-7, 9-11, 14-16, and 18-20, which respectively depend from claims 1, 8, 12, 13, and 17, are also allowable for at least the reasons cited above.

Further, Applicants acknowledge and appreciate that the Examiner has allowed claims 8-11 and 17-20. Further, Applicants appreciate that claims 4, 15, 5-7 contain allowable subject matter, as indicated by the Examiner. Additionally, in light of the arguments provided herein, all pending claims of the present invention are allowed.

Reconsideration of the present application is respectfully requested. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, **the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069** to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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